

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Kenya Crosby,)	C/A No. 3:09-787-JFA-PJG
)	
Plaintiff,)	
vs.)	ORDER
)	
Carolina Adventure World, LLC,)	
)	
Defendant.)	
_____)	

The *pro se* plaintiff, Kenya Crosby, brings this action alleging that she was terminated from her employment with the defendant because of her race in violation of 42 U.S.C. § 1981. At the time of the filing of this action, the plaintiff was represented by counsel. Counsel filed a motion to withdraw, and with no response from the plaintiff, the court granted the motion.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the complaint should be dismissed for failure to prosecute, in accordance with Rule 41(b) of the Federal Rules of Civil Procedure. The defendant filed a motion for summary judgment and the court advised the plaintiff in a *Roseboro* order of the importance of her adequate response to the motion. *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975). Plaintiff did not respond. The Magistrate Judge issued another order on

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

April 21, 2010, requesting that the plaintiff advise the court if she wished to continue with the prosecution of this action and allowing her fourteen additional days to respond to the defendant's motion for summary judgment. The plaintiff did not respond.


The plaintiff was also advised of her right to file objections to the Report and Recommendation, which was entered on the docket on May 10, 2010. However, the plaintiff did not file any objections to the Report within the time limits prescribed.

The Magistrate Judge has reviewed the matter and finds that plaintiff meets all of the criteria for dismissal under *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919 (4th Cir. 1982).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed with prejudice for lack of prosecution. The defendant's pending motion for summary judgment shall be terminated by the Clerk.

IT IS SO ORDERED.

June 1, 2010
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge